Fletcher, Heald & Hildreth, P.L.C. 1300 North 17th Street 11th floor Arlington VA 22209 703-812-0400 (voice) 703-812-0486 (fax)

> MITCHELL LAZARUS 703-812-0440 LAZARUS@FHHLAW.COM

October 17, 2005

Ms. Marlene H. Dortch, Secretary Federal Communications Commission 445 12th Street SW Washington DC 20554

Re: RM-11043, More Flexible Antenna Rules for the 10.7-11.7 GHz Band Ex Parte Communication

Dear Ms. Dortch:

On behalf of FiberTower Corp. and pursuant to Section 1.1206(b)(2) of the Commission's Rules, I am electronically filing this letter to report an oral *ex parte* communication in the above-referenced docket.

On Friday, October 14, Tarun Gupta of FiberTower Corporation and I met with John Branscome of Commissioner Abernathy's office, Barry Ohlson of Commissioner Adelstein's office, John Giusti of Commissioner Copps's office, and Fred Campbell of Chairman Martin's office.

At each meeting we summarized the elements of FiberTower's pleadings in the docket. A copy of our presentation outline is attached.

Please do not hesitate to call with any questions.

Respectfully submitted

Mitchell Lazarus Counsel for FiberTower Corp.

cc: Meeting participants
Cathy Seidel, Wireless Telecommunications Bureau
Joel Taubenblatt, Wireless Telecommunications Bureau
John Schauble, Wireless Telecommunications Bureau



About FiberTower - Investors

















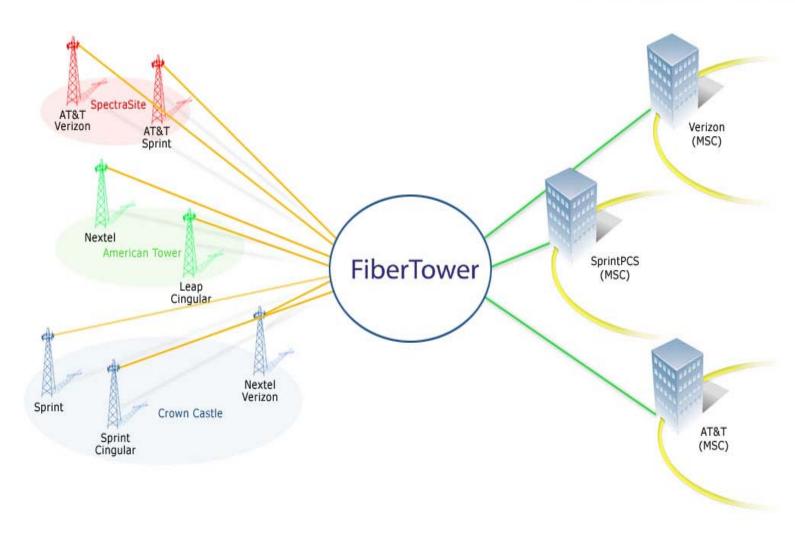




FiberTower is partnered with the top tower operators in the U.S.

About FiberTower – What we do





FiberTower uses licensed point-to-point microwave to connect wireless cell towers

11 GHz Band Is Ideal for Linking to Cell Towers



- 11 GHz is underutilized 9% of all Fixed Service links
- There is a need for a medium path length, high capacity, low profile solution

Band	Typical Path Length	Maximum Channel Capacity (T1's)	Minimum Dish Diameter	Typical Weight, including mount
4 GHz	20+ Miles	28+	8 Ft	500 lbs
6.1 GHz	20+ Miles	84	6 Ft	360 lbs
6.7 GHz	20+ Miles	28	6 Ft	360 lbs
10 GHz	10 Miles	16	2 Ft	33 lbs
11 GHz	15 Miles	84	4 Ft	126 lbs
11 GHz	8 Miles	84	2 Ft (proposed)	33 lbs
18 GHz	4 Miles	84+	2 Ft	33 lbs
23 GHz	2 Miles	84	1 Ft	21 lbs

Procedural Background



- Present technical rules at 10.7-11.7 GHz can be satisfied only with a 4-foot antenna*
- May 26, 2004: FiberTower filed a Petition for Rulemaking to allow 2-foot antennas (RM-11043)
 - proposed rules put any coordination burden on the 2-foot antenna user
 - 2-foot antennas recently allowed in 10 GHz band
- Several comments in support of 2-foot antennas; one in opposition (Satellite Industry Association)
 - FiberTower amended its proposal to accommodate SIA
- Oct. 22, 2004: FiberTower filed a request for waiver pending rulemaking (DA 05-114)

^{*} One company recently claimed compliance with a 3-foot antenna.

Advantages of 2-Foot Antennas

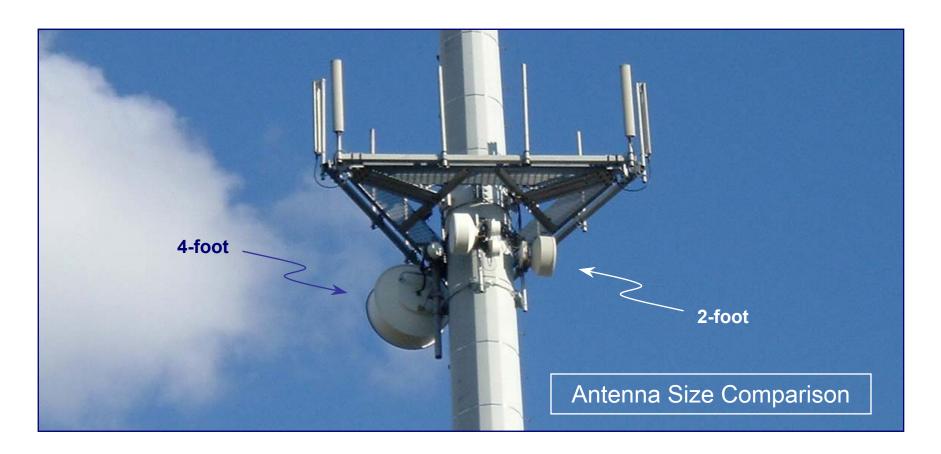


- First- and last-mile delivery to locations otherwise impractical for radio
- Sample applications:
 - cellular backhaul
 - backhaul for broadband delivery (Broadband over Power Line, Wi-MAX, Fiber-to-the-Curb, Advanced Wireless Services)
 - broadband Internet access for schools, businesses, apartment buildings
 - interconnection of industrial campuses
- FiberTower has encountered well over a hundred locations that can accept a 2-foot 11 GHz antenna but not a 4-foot
 - for examples, see ex parte filing of June 24, 2005

Advantages of 2-Foot Antennas



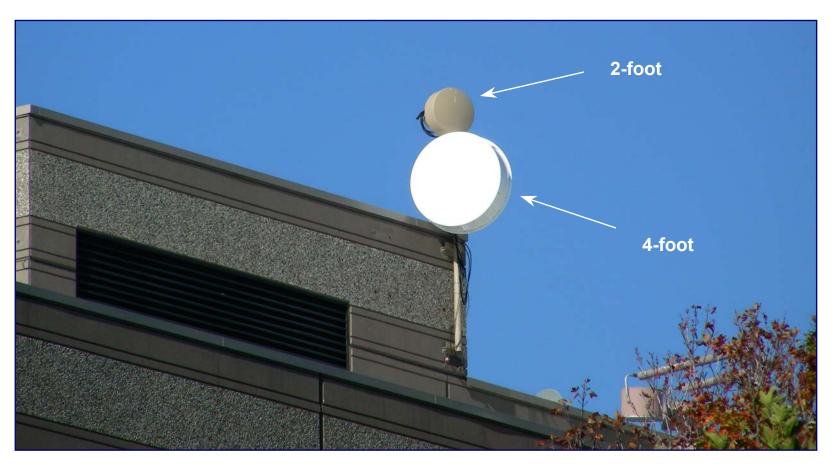
 1/3 the cost, 1/4 the weight, 1/4 the area of four-foot antennas



Advantages of 2-Foot Antennas



- Ideal for all areas (including residential)
 - far less obtrusive than 4-foot antennas
 - less structural support needed



Public Interest



- Compatibility with local zoning, homeowners' associations, etc.
- More efficient use of 10.7-11.7 GHz spectrum
- Competition with fiber and other broadband delivery
- Lower costs to end users
- Access to locations not available to large antennas
 - esp. rooftops and towers with space or weight limitations
- Reduce pressure on other Fixed Service bands
 - 11 GHz is suitable for long links (unlike 70/80/90 GHz)
- Easier relocation of Fixed Service licensees displaced by new satellite operations

Proposed Coordination Rules



 FiberTower's proposed rules ensure that no other spectrum user can be disadvantaged by a 2-foot antenna

Details:

A 2-foot antenna user may object to a coordination (a) only if it predicts received interference, and (b) only to the extent a 4-foot antenna user could object.

An applicant for a 4-foot antenna or a Fixed Satellite Service earth station that predicts received interference from a 2-foot antenna user can require the 2-foot user to reduce the predicted interference to the levels predicted from a 4-foot antenna.

Proposed Waiver Conditions



- Waiver subject to the outcome of the rulemaking
 - if rules are not adopted, licensee may have to retrofit or remove antennas to achieve compliance
- FiberTower will limit installations under the waiver to 500 units per year
 - and will maintain records of licensee, call sign, and location

Comments in Support of Rulemaking



- Cingular Wireless
 - mobile telephone provider
- Comsearch
 - specializes in spectrum management of terrestrial microwave, satellite, and mobile telecommunications systems
- NextWeb, Inc. (now Covad)
 - uses licensed microwave for redundant wireless backbones and to deliver high-speed network traffic
- Alcatel
 - leading manufacturer of microwave radio products
- Harris Corporation
 - international communications equipment company
- Wireless Communications Association International
 - trade and professional association for the wireless broadband industry
- Fixed Wireless Communications Coalition
 - coalition of companies, associations, and individuals interested in terrestrial fixed microwave communications

Alcatel Technical Study



 Alcatel independently studied 22 distinct cases of interference potential (varying path length, off-angle discrimination, etc.)

Findings:

- two-foot antennas reduce the potential for harmful interference (due to limited path lengths)
- at some angles, maximum of 0.1 dB increase in interference into the environment (negligible)
- at all other angles, decreased interference potential into the environment

Alcatel North America, filed September 7, 2004

One Comment Opposed



- Satellite Industry Association: more use of the 11 GHz band could hinder coordinating new earth stations
- Response:
- satellite applications in the band are limited by rule –
 fewer than 140 earth stations nationwide
- SIA opposes efficient use of the spectrum
- FiberTower agreed to a change in proposed rules to better protect earth stations

Conclusion



- Both the rulemaking and the waiver will:
 - benefit the public (easier access, better aesthetics, reduced costs)
 - increase competition
 - improve spectrum efficiency
 - increase spectrum use
- No disadvantage to any spectrum user
- No risk to the Commission
 - waiver will be subject to outcome of rulemaking
- The Commission should grant the waiver promptly and proceed with the rulemaking



Thank you!

FiberTower Corporation

Mitchell Lazarus
Fletcher, Heald & Hildreth, PLC
703-812-0440
lazarus@fhhlaw.com